

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

LAURIE L. DURHAM,

Plaintiff,

vs.

**KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,**

Defendant.

1:20-CV-00172-BLG-SPW

**ORDER AWARDING EAJA FEES
AND COSTS**

Plaintiff Laurie L. Durham ("Durham"), by and through her attorney, John E. Seidlitz, Jr., moves under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. §2412(d), for attorney fees and filing costs incurred in prosecuting her Social Security appeal (Doc. 14). She requested \$9,535.30 in fees and \$400.00 in filing costs. Costs are not paid by agency funds, but rather by the Judgment Fund.

Defendant Commissioner of Social Security ("Commissioner") has stipulated to a reduced attorney fee amount of \$8,600.00, and \$400.00 in filing costs. Accordingly,


IT IS HEREBY ORDERED that Defendant shall pay \$8,600.00 in attorney fees under the Equal Access to Justice Act, 28 U.S.C. §2412, as well as \$400.00 in filing fee costs.

IT IS FURTHER ORDERED that if, after receiving the Court's EAJA fee order, the Commissioner (1) determines upon effectuation of the Court's EAJA fee order that Plaintiff does not owe a debt that is subject to offset under the Treasury Offset Program, (2) agrees to waive the requirements of the Anti-Assignment Act, and (3) is provided a valid assignment of fees executed by Plaintiff, the fees will be made payable to Plaintiff's attorney and mailed to Plaintiff's attorney's office as follows:

Seidlitz Law Office
P.O. Box 1581
Great Falls, MT 59403-1581

However, if there is a debt owed under the Treasury Offset Program, the Commissioner cannot agree to waive the requirements of the Anti-Assignment Act, and a check for any remaining EAJA fees after offset will be paid by a check made out to Plaintiff, but delivered to Plaintiff's attorney's office at the address stated above.

DATED this 3rd day of May, 2022.



SUSAN P. WATTERS
United States District Judge